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Date: December 3, 2003
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From: Name: Manu Kashyap, Intellectual Property Paralegal
Corporate Legal Dept.
Telephone: (408) 433-7475
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Re: 10/002,672

Number of Pages Including this Page 5

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MESSAGE:

Response to Restriction Requirement.
Group Art Unit: 2653
Examiner: Aristotelis M. Psitos
Serial No.: 10/002,672
Filing Date: 10/23/01

Please notify us immediately if any pages are not received.

PTO/SB/21 (08-03)

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FORM

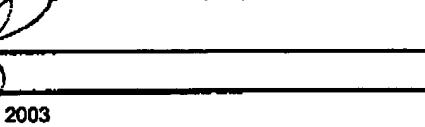
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/002,672	
	Filing Date	10/23/01	
	First Named Inventor	Stephen Williams et al.	
	Art Unit	2853	
	Examiner Name	Aristoteles M. Paltos	
Total Number of Pages in This Submission	4	Attorney Docket Number	00-507

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Remarks <input type="checkbox"/> Response to Restriction Requirement		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Leo J. Peters Reg. No.: 33,562 (408) 433-4578
Signature	
Date	December 3, 2003

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	Date 12/03/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Stephen Williams et al.

Serial Number: 10/002,672

Filed: October 23, 2001

Title: Header Detect Configuration Within a DVD-RAM
Read Device And Methods of Acquiring And
Maintaining Phase Lock In A Wobble Phase Lock
Loop

Examiner: Aristotelis M. Psitos

Group Art Unit: 2653

Attorney Docket: 00-507

DEC 03 2003

OFFICIAL

AMENDMENT

Box Non-Fee-Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, CA 22313-1450

Sir:

This amendment is filed in response to the Office Action dated November 26, 2003.

REMARKS

Claims 1-19 are in the case and subject to a restriction requirement. Applicants hereby elect with traverse to prosecute the claims of group I, including claims 1-15, drawn to an optical servo system, classified in class 369, subclass 47.28. Thus, claims 16-19, drawn to an optical header detection circuitry, classified in class 369, subclass 59.19, are withdrawn from consideration. Reconsideration is requested.

However, restriction is not required by 35 U.S.C. § 121, as suggested in the office action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. § 121 "... the Commissioner *may* require the application to be restricted..." (emphasis added). Likewise, MPEP § 803 lists two criteria that must be present for restriction to be proper:

1. The invention must be independent or distinct; and
2. There must be a serious burden on the examiner if restriction is not required.

In searching the Group I claims, the class and subclass for the Group II claims will undoubtedly be searched, to ensure that no relevant art is overlooked. For this reason there is no significant burden on the examiner, and certainly no serious burden as required by MPEP § 803. In fact, maintaining the requirement for restriction not only burdens applicants with the additional costs associated with filing and prosecuting separate patent applications, but also requires the examiner to duplicate efforts by examining multiple applications of closely related inventions. Such practice not only wastes public and private funds and Patent Office resources, but also leads to the possibility of inconsistent examinations of closely related inventions. Accordingly, applicants respectfully request that the examiner reconsider and withdraw the restriction requirement.

In light of the foregoing, applicants respectfully submit that a full and complete response to the office action is provided herein, and request that the application proceed to examination.

In the event this response is not timely filed, applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to deposit account 12-2252.

Sincerely,

LSI LOGIC CORPORATION



By: Leo J. Peters, 33,562

LSI Logic Corporation
1621 Barber Lane, MS D-106
Milpitas, CA 95035
(408) 433-4578

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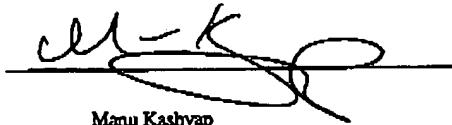
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Manu Kashyap